PUBLIC (ELECTIONS) (195) Depart

Ms SERIES.

G.O. No. 1393

Dated 7th June, 1948

[Despatch Abstract.]

Sub: Elections - Madras Legislative Assembly - Vizagapatam cum East Godavari Dock and Factory Labour constituency - whether a person whose name is not included in the Electoral roll of the Labour constituency can be nominated to the constituency - Papers recorded.

Public (Elections) Department.

D.O. No. 2819/48-1 dated 4th June, 1948

Sub:- Elections - Madras Legislative Assembly - Vizagapatam cum East Godavari Dock and Factory Labour Constituency - Eligibility to stand as a candidate - Sri Gouthu Latchanna.

The Government understand that Sri Gouthu Latchanna, President of the Scindia Ship Yard Labour Union, Vizagapatam has been nominated as a candidate for the ensuing bye-election to the Vizagapatam cum East Godavari Dock and Factory Labour Constituency of the Madras Legislative Assembly. It is understood that his name is not in the electoral roll of the constituency. The question whether a person whose name is not included in the elctoral roll of the Labour Constituency can be nominated to the constituency has been examined and a copy of the note prepared here in that connection is enclosed for your information.

yours faithfully,

(Sd) x x

To
Mr. J.M. Lobo Prabhu, I.C.S,
Collector of Vizagapatam.

/True copy/

Public (Elections) Department.

Sub:- ELECTIONS - Madras Legislative Assembly - Vizagapatam cum East Godavari Dock and Factory Labour Constituency - Eligibility to stand as a candidate - Sri Gouthu Latchanna.

Hon'ble Minister (Finance) and Hon'ble Minister (L..R) called for the Assistant Secretary in charge of elections and raised the following point - whether Sri Gouthu Latchanna who is the President of the Scindia Ship Yard Labour Union can, by virtue of his official position, stand as a candidate for the ensuing bye-election to the Vizagapatam cum East Godavari Dock and Factory Labour Constituency of the Madras Legislative Assembly even though he is not on the roll of the Labour Constituency. Hon'ble Minister (L.R.) drew attention to rule 27(b) in Part II (Madras) of the Government of India (Provincial Legislative Assemblies) Order, 1936, and observed that the rule seemed to allow such a course. The Hon'ble Ministers however desired that the position should be examined fully.

2. Rule 27 of the Legislative Assemblies Order is reproduced below:

"A person shall not be qualified to be chosen to fill a labour seat unless he either:-

(a)is entitled to vote in the choice of a member to fill that seat or some other labour seat; or

(b) is a member, honorary member or official of a recognised trade union operating in the Province and in the case of an ordinary member of such a union, is not in arrear with his subscription thereto."

As a corollary to this rule, the proviso to sub-rule (2) of rule 35 of the Rules for the conduct of Elections for the Constituencies of the Madras Legislative Assembly states:--

"Provided that, if the candidate is a candidate for a seat in a Labour Constituency and is not entitled to vote in the choice of a member to fill any Labour seat, such nomination paper shall be accompanied by a certificate to the effect

(a) that the candidate is a member, a honorary member or an official, as the case may be, of a trade union and if an ordinary member, that he is not in arrear with his subscription; and

(b) that such trade union is a recognised trade union within the meaning of sub-para. (2) of paragraph 24 of Part II of the Assemblies Order."

3. Obviously Sri Gouthu Latchanna does not come within the operation of clause (a) of rule 27 of the Assemblies Order as he is not on the Labour roll at present. Nevertheless, he seems to be entitled to stand as a candidate for the forthcoming bye-election as he comes within the scope of the alternative clause (b) of rule 27. Further he satisfies both the conditions of the proviso to rule 35(2) of the conduct of Elections Rules. Firstly he is the President of the Scindia Ship Yard Labour Union and is therfore an official of a Trade Union. Secondly, Scindia Shipyard Labour Union is a recognised trade union operating in the Province and duly certified by the Governor. In the result, Sri Gouthu Latchanna appears to be qualified to stand as a candidate for the bye-ele tion to the Vizagapatam cum East Godavari Dock and Factory Labour Constituency even though he is not a voter himself in any Labour Constituency.

Legal may see.

(Sd) x x x

LEGAL DEPARTMENT.

The view expressed at A on page 2 ante is correct.

(Sd) x x x

Returning officer may be informed of the position for his information - confidentially.

(Sd) x x
4.6.48.

Ø A draft D.O. to the Collector of Vizagapatam is submitted for approval.

(Sd) x x

/True copy/

(Issued as letter No. 2819/48-1, dated 4th June, 48)

The papers may be recorded in a G.O. for facility of future reference.

G.O. Ms. No. 1393, dated 7th June, 1948.

Elections - Madras Legislative Assembly - Vizagapatam cum East Godavari Dock and Factory Labour Constituency - Whether a person whose name is not included in the electoral roll of the Labour Constituency can be nominated to the Constituency - Papers recorded.

(sd) x x
Secretary to Government

/True copy/

OFFICE ASSISTANT
MADRAS RECORD OFFICE

mr. 17.9.